

FROM THE OFFICE OF THE BISHOP OF AUSTRALIA AND NEW ZEALAND OF THE SERBIAN ORTHODOX CHURCH



The Minister for Immigration, Mr Alex Hawke decided to exercise his discretionary power pursuant to Section 133C(3) of the Migration Act 1958 (Cth) to cancel Novak Djokovic's visa, on the basis that it was "in the public interest to do so". This would result in him being unable to compete in the 2022 Australian Open and ultimately in his deportation.

Broadly speaking, the public's interest in this matter is purportedly concerned with health, safety, and good order.

Novak appealed this decision before a full panel in the Federal Court of Australia, who today handed down its decision to uphold Mr Hawke's decision. The question before the court was whether Mr Hawke's decision to cancel Novak's visa was irrational or legally unreasonable.

From the outset, we note that Mr Hawke publicly accepts due to Novak's recent Covid-19 infection and recovery, that he is a "negligible risk to those around him". Therefore, the government cannot say that it is in the public's interest to deport Novak on the basis that he is a threat to the public's health.

With respect to safety and good order, Mr Hawke went on to state that Novak may be perceived by some as a “talismán of a community of anti-vaccine sentiment” and therefore a “risk to civil unrest”.

This matter distresses us deeply as it goes further than simply encroaching on one’s right to freedom of speech, or even freedom of thought. In short, Novak is being forcibly removed from Australia because there is a suspicion that because he may be unvaccinated and declined to disclose his vaccination status, that it may lead to civil unrest.

There are no grounds to believe that allowing Novak to stay would (or even, may) lead to civil unrest, and notably, the government has not provided any evidence to substantiate their claim that allowing Novak to stay would do so.

Novak complied with all requirements made known to him by the various arms of the Australian government that played a part in his arrival.

We feel it necessary to express our profound disappointment in our government’s handling of Novak’s case. Being kept in isolation, having one’s phone confiscated, being stripped of any means of communication, and subjected to an on-the-spot interrogation in the small hours of the morning after a twenty-five (25) hour flight is treatment most would deem unfit for most fugitives. We feel the need to remind Mr Hawke and the Australian Government that Novak is a professional tennis player, not a racketeer.

We commend Novak’s grace and tolerance in the face of our government’s capricious exercise of unashamed overstepping.

We request that Mr Hawke, as an exercise of good sense reassess, the Ministry’s position and repeal the decision to cancel Novak’s visa immediately. We trust that a written apology would also go a long way to remedying this mess.

We pray that our Lord grants strength and courage to Novak, his family and his team.

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